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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER ONE *v.* HOLDER, ATTORNEY GENERAL, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 08–322. Argued April 29, 2009—Decided June 22, 2009

The appellant is a small utility district with an elected board. Because it is located in Texas, it is required by §5 of the Voting Rights Act of 1965 (Act) to seek federal preclearance before it can change anything about its elections, even though there is no evidence it has ever discriminated on the basis of race in those elections. The district filed suit seeking relief under the "bailout" provision in §4(a) of the Act, which allows a "political subdivision" to be released from the preclearance requirements if certain conditions are met. The district argued in the alternative that, if §5 were interpreted to render it ineligible for bailout, §5 was unconstitutional. The Federal District Court rejected both claims. It concluded that bailout under §4(a) is available only to counties, parishes, and subunits that register voters, not to an entity like the district that does not register its own voters. It also concluded that a 2006 amendment extending §5 for 25 years was constitutional.

Held:

1. The historic accomplishments of the Voting Rights Act are undeniable, but the Act now raises serious constitutional concerns. The preclearance requirement represents an intrusion into areas of state and local responsibility that is otherwise unfamiliar to our federal system. Some of the conditions that the Court relied upon in upholding this statutory scheme in *South Carolina* v. *Katzenbach*, 383 U. S. 301, and *City of Rome* v. *United States*, 446 U. S. 156, have unquestionably improved. Those improvements are no doubt due in significant part to the Voting Rights Act itself, and stand as a monument to

its success, but the Act imposes current burdens and must be justified by current needs. The Act also differentiates between the States in ways that may no longer be justified.

At the same time, the Court recognizes that judging the constitutionality of an Act of Congress is "the gravest and most delicate duty that this Court is called upon to perform." *Blodgett* v. *Holden*, 275 U. S. 142, 147–148 (Holmes, J., concurring). Here the District Court found that the sizable record compiled by Congress to support extension of §5 documented continuing racial discrimination and that §5 deterred discriminatory changes.

The Court will not shrink from its duty "as the bulwark of a limited Constitution against legislative encroachments," The Federalist No. 78, but "[i]t is . . . well established. . . that normally the Court will not decide a constitutional question if there is some other ground upon which to dispose of the case," *Escambia County* v. *McMillan*, 466 U. S. 48, 51. Here, the district also raises a statutory claim that it is eligible to bail out under §§4 and 5, and that claim is sufficient to resolve the appeal. Pp. 6–11.

2. The Act must be interpreted to permit all political subdivisions, including the district, to seek to bail out from the preclearance requirements. It is undisputed that the district is a "political subdivision" in the ordinary sense, but the Act also provides a narrower definition in §14(c)(2): "'[P]olitical subdivision' shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting." The court below concluded that the district did not qualify for §4(a) bailout under this definition, but specific precedent, the Act's structure, and underlying constitutional concerns compel a broader reading.

This Court has already established that §14(c)(2)'s definition does not apply to the term "political subdivision" in §5's preclearance provision. See, *e.g., United States* v. *Sheffield Bd. of Comm'rs*, 435 U. S. 110. Rather, the "definition was intended to operate only for purposes of determining which political units in nondesignated States may be separately designated for coverage under §4(b)." *Id.,* at 128–129. "[O]nce a State has been [so] designated . . . , [the] definition . . . has no operative significance in determining [§5's] reach." *Dougherty County Bd. of Ed.* v. *White*, 439 U. S. 32, 44. In light of these decisions, §14(c)(2)'s definition should not constrict the availability of bailout either.

The Government responds that any such argument is foreclosed by *City of Rome*. In 1982, however, Congress expressly repudiated *City of Rome*. Thus, *City of Rome*'s logic is no longer applicable. The Gov-

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ernment's contention that the district is subject to §5 under *Sheffield* not because it is a "political subdivision" but because it is a "State" is counterintuitive and similarly untenable after the 1982 amendments. The Government's contrary interpretation has helped to render the bailout provision all but a nullity. Since 1982, only 17 jurisdictions—out of the more than 12,000 covered political subdivisions—have successfully bailed out of the Act. It is unlikely that Congress intended the provision to have such limited effect. Pp. 11–17.

573 F. Supp. 2d 221, reversed and remanded.

ROBERTS, C. J., delivered the opinion of the Court, in which STEVENS, SCALIA, KENNEDY, SOUTER, GINSBURG, BREYER, and ALITO, JJ., joined. THOMAS, J., filed an opinion concurring in the judgment in part and dissenting in part.